



Reprinted
January 25, 2002

SENATE BILL No. 92

DIGEST OF SB 92 (Updated January 24, 2002 3:07 PM - DI 106)

Citations Affected: IC 31-9; IC 31-32; IC 34-9; IC 34-10.

Synopsis: Representation of indigents in civil actions. Allows a court to appoint an attorney ad litem to represent a child if no other statute provides for the appointment of an attorney for the child. Appointment of an attorney ad litem may be in lieu of or in addition to the appointment of a guardian ad litem or court appointed special advocate. The costs of an attorney ad litem shall be paid by the parent or guardian of the child's estate, or by the county. Repeals provisions dealing with the appointment of an attorney to represent an indigent in a civil action.

Effective: Upon passage.

Lanane, Ford, Broden

January 7, 2002, read first time and referred to Committee on Judiciary.
January 17, 2002, reported favorably — Do Pass.
January 24, 2002, read second time, amended, ordered engrossed.

C
o
p
y

SB 92—LS 6175/DI 69+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 92

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 9.5. "Attorney ad litem", means an**
4 **attorney appointed by the court to:**

5 **(1) represent and protect the best interests of the child; and**
6 **(2) provide the child with services requested by the court,**
7 **including:**

- 8 **(A) researching;**
9 **(B) examining;**
10 **(C) advocating;**
11 **(D) facilitating; and**
12 **(E) monitoring;**

13 **the child's situation.**

14 SECTION 2. IC 31-32-4-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a)** The
16 following persons are entitled to be represented by counsel:

- 17 **(1) A child charged with a delinquent act, as provided by**



1 IC 31-32-2-2.

2 (2) A parent in a proceeding to terminate the parent-child
3 relationship, as provided by IC 31-32-2-5.

4 (3) Any other person designated by law.

5 **(b) If appointment of an attorney for a child is not provided for**
6 **in another statute, a court may appoint an attorney ad litem to**
7 **represent a child:**

8 **(1) in addition to; or**

9 **(2) instead of;**

10 **appointing a guardian ad litem or court appointed special advocate**
11 **for the child.**

12 **(c) The cost of the services provided by an attorney ad litem**
13 **appointed under subsection (b) shall be paid by:**

14 **(1) the parent or guardian of the estate of the child under**
15 **IC 31-40-1-3; or**

16 **(2) the county under IC 31-40-1-2."**

17 SECTION 3. IC 34-9-2-1 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 1. All courts have the authority
19 to:

20 (1) appoint a guardian ad litem **or an attorney ad litem (as**
21 **defined in IC 31-9-2-9.5)** to defend the interests of any person
22 under eighteen (18) years of age impleaded in a suit; and

23 (2) permit any person, as next friend, to prosecute a suit in a
24 minor's behalf.

25 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
26 UPON PASSAGE]:

27 IC 34-10-1; IC 34-10-2.

28 SECTION 5. **An emergency is declared for this act.**

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Ford be added as second author
and Senator Broden be added as coauthor of Senate Bill 92.

LANANE

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 92, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 92 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 2.

C
o
p
y

SB 92—LS 6175/DI 69+



SENATE MOTION

Mr. President: I move that Senate Bill 92 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to SB 92 as printed January 18, 2002).

KENLEY

C
o
p
y

